



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

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PM82/0713

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/737,138	12/14/00	041	TO, T	3619 07/13/01
First Named Applicant	BREED, 35 USC 154(b) term ext. = 0 Days.			
TITLE OF INVENTION METHOD AND ARRANGEMENT FOR CONTROLLING DEPLOYMENT OF A SIDE AIRBAG				
ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY
2 ATI-259	280-735.000	J04	UTILITY	NO
				\$1240.00
				10/15/01

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS  
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or

- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.

Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

PATENT AND TRADEMARK OFFICE COPY

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/737,138	BREED ET AL.
	Examiner	Art Unit
	Toan C To	3619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to April 27, 2001.
2.  The allowed claim(s) is/are 1-41.
3.  The drawings filed on \_\_\_\_\_ are acceptable as formal drawings.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION. This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).**

6.  Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7.  Applicant MUST submit NEW FORMAL DRAWINGS
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed 27 April 2001, which has been approved by the examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8.  Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

#### Attachment(s)

<input type="checkbox"/> Notice of References Cited (PTO-892)	<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	<input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.
<input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____.	<input type="checkbox"/> Examiner's Amendment/Comment
<input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	<input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	<input type="checkbox"/> Other

## DETAILED ACTION

### ***Allowable Subject Matter***

1. Claims 1-41 are allowed.

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the reference do not disclose a vehicle including an arrangement for controlling deployment of a side airbag with the following: determining means for determining position of at least a part of occupant; a control circuit coupled to the determining means for controlling deployment of the side airbag based on the determined position of the at least a part of occupant; wherein the determining means having at least one receiver arranged to receive electromagnetic wave from space above a seat portion and processor coupled to a receiver to generate a signal representative of the position of occupant base on waves received by the receiver. These structures in combination with other structure recited in claim 1 define over prior art of record.

Regarding claims 5 and 17, the reference do not disclose a vehicle including an arrangement for controlling deployment of a side airbag with the following: determining means for determining position of at least a part of occupant; a control circuit coupled to the determining means for controlling deployment of the side airbag based on the determined position of the at least a part of occupant; wherein the determining means having a transmitter arranged to transmit wave into space above seat portion of the

seat, a receiver arranged to receive waves transmitted by the transmitter from space above the seat portion, and a processor coupled to the receiver to generate signal representative of the position of occupant based on the waves received by the receiver. These structures in combination with other structure recited in claims 5 and 17 define over prior art of record.

Regarding claim 10, the reference do not disclose a vehicle including an arrangement for controlling deployment of a side airbag with the following: determining means for determining position of at least a part of occupant; a control circuit coupled to the determining means for controlling deployment of the side airbag based on the determined position of the at least a part of occupant; wherein the control circuit being arranged to control deployment of the side airbag by suppressing deployment of the side airbag, to control a time at which deployment of the side airbag starts, to control the rate of gas flow into the side airbag, and to control the rate of gas flow out of the side airbag . These structures in combination with other structure recited in claim 10 define over prior art of record.

Regarding claim 11, the reference do not disclose a vehicle including an arrangement for controlling deployment of a side airbag with the following: determining means for determining whether an occupant is present in a seat; a control circuit coupled to the determining means for controlling deployment of the side airbag based on whether an occupant is present in a seat; wherein the determining means having at least one receiver arranged to receive electromagnetic wave from space above a seat portion and processor coupled to a receiver to generate a signal representative of the

presence or absence of an occupant in the seat. These structures in combination with other structure recited in claim 11 define over prior art of record.

Regarding claims 24, 28 and 32, the references do not disclose a method for controlling deployment of a side airbag with the following steps: determining a position of at least a part of the occupant by transmitting waves into a space above a seat portion of the seat, receiving waves from the space above the seat portion; generating a signal representative of the position of the at least a part of the occupant based on the received waves; and controlling deployment of the side airbag based on the determined position of the occupant. These structures in combination with other structure recited in claims 24, 28 and 32 define over prior art of record.

Regarding claim 31, the references do not disclose a method for controlling deployment of a side airbag with the following steps: determining a position of at least a part of the occupant, controlling deployment of the side airbag based on the determined position of the occupant; wherein the step of controlling the side airbag having a steps of suppressing deployment of the side airbag, controlling a time at which deployment of the side airbag starts, controlling a rate of gas flow into the side airbag, and controlling a rate of gas flow out of the side airbag. These structures in combination with other structure recited in claim 31 define over prior art of record.

Regarding claim 37, the reference do not disclose a method for controlling deployment of a side airbag with the following steps: determining whether an occupant is present in a seat by receiving waves from space above a seat portion; generating a signal representative of the present or absence of an occupant in the seat based on the

received wave; controlling deployment of the side airbag based on the presence or absence of an occupant in a seat; and wherein the step of receiving waves having the step of arranging a receiver capable of receiving electromagnetic waves in the vehicle in a position to receive electromagnetic waves from the space above the seat portion. These structures in combination with other structure recited in claim 37 define over prior art of record.

Regarding claim 41, the reference do not disclose a method for controlling deployment of a side airbag with the following steps: determining whether an occupant is present in a seat; controlling deployment of the side airbag based on the presence or absence of an occupant in the seat; the step of controlling deployment of the side airbag having a step of suppressing deployment of the side airbag, controlling a time at which deployment of the side airbag starts, controlling a rate of gas flow into the side airbag, and controlling a rate of gas flow out of the side airbag. These structures in combination with other structure recited in claim 41 define over prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan To whose telephone number is (703) 306-5951. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai, can be reached on (703) 308-2486. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-2571. Any inquiry of a general nature or relating to the status of this application or this application or proceeding should be directed to the receptionist whose telephone number is (703)305-1113.

To,T

July 9, 2001



LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600